

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LaCREAM NEWMAN,

Plaintiff,

v.

**No. 04-CV-395
(TJM/DRH)**

**GEORGE B. DUNCAN, Superintendent of
Great Meadow Correctional Facility; DAVID
CARPENTER, Deputy Superintendent;
PATRICK VANGUILDER, Deputy
Superintendent of Security; WILLIAM
MAZZUCA, Superintendent of Fishkill
Correctional Facility; R. ERCOLE, Deputy
Superintendent of Security; J. CONKLIN,
Corrections Sergeant; and JOHN DOE,
Corrections Officer,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated September 6, 2007 have been filed. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the

Court adopts the Report-Recommendation and Order for the reasons stated therein.

It is therefore,

ORDERED that

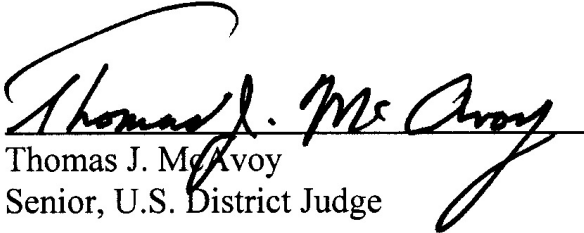
(1) Defendants' motion for summary judgment (Docket No. 36) is **GRANTED** as to defendants Duncan, Carpenter, VanGuilder, Mazzuca, Ercole, and Conklin and as to all of Newman's causes of action;

(2) The complaint is **DISMISSED** without prejudice as to defendant John Doe;
and

(3) This action is **TERMINATED** in its entirety as to all defendants and all claims.

IT IS SO ORDERED

DATED: September 26, 2007


Thomas J. McAvoy
Senior, U.S. District Judge